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PATENT DEPARTMENT
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AUSTIN, TX 78701-4039

In re Application of CRAEMER et al
U.S. Application No.: 10/599,438
PCT Application No.: PCT/EP2005/050426
Int. Filing Date: 01 February 2005
Priority Date Claimed: 10 March 2004
Attorney Docket No.: 071308.0755
For: METHOD FOR RECOGNIZING A
SENSOR TYPE

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 12 June 2007.

BACKGROUND

On 01 February 2005, applicant filed international application PCT/EP2005/050426, which claimed priority of an earlier Germany application filed 10 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 10 September 2006.

International application number PCT/EP2005/050426 became abandoned as to the United States on 11 September 2006 for failure to timely pay the basic national fee.

On 28 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 May 2007, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 12 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notice of Defective Declaration, which should indicate that the declaration filed 28 September 2006 is improper.¹



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¹ Applicant is advised that the declaration filed 28 September 2006 is an improper composite declaration. Specifically, the declaration consists of one each of pages 1, 2, and 4 and two of page 3. It is not acceptable to submit only the signature page of a declaration since doing so raises doubt as to whether the signature page was associated with the rest of the declaration pages at the time of execution. Applicant is required to submit either: (1) a single complete declaration which is presented to and executed by all of the inventors or (2) multiple complete declarations, each of which is presented to and executed by at least one of the inventors.